

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

REGINA S. LOWERY, )  
v. )  
Plaintiff, )  
CAROLYN W. COLVIN, )  
Acting Commissioner of Social )  
Security Administration, )  
Defendant. )

Case No. CIV-12-299-Raw-SPS

## ORDER REMANDING CASE FOR FURTHER PROCEEDINGS

On September 5, 2013, Magistrate Judge Schreder entered his Report and Recommendation, recommending that the above-styled case be reversed and remanded for further proceedings. Defendant filed an objection on September 18, 2013, which the court has duly considered.

The Magistrate Judge recommended remand because he found the ALJ had not properly evaluated new evidence. In its objection, the defendant argues that plaintiff's new evidence does not undermine the sufficiency of the evidence supporting the ALJ's decision. The issue seems close, but in such circumstance the court sees no prejudice to the government in a new ALJ hearing.

IT IS THEREFORE ORDERED that the decision of the ALJ is hereby **REVERSED** and this case is hereby **REMANDED** to Defendant pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

**IT IS SO ORDERED** this 25th day of September, 2013.

Dated this 25<sup>th</sup> day of September, 2013.



Ronald A. White  
Ronald A. White  
United States District Judge  
Eastern District of Oklahoma